

REMARKS

In response to the Restriction Requirement dated July 28, 2004, Applicants have elected, with traverse, methods that use non-specific immune response enhancers for examination at this time. Claims 16, 18, 24, 50 (in part), and 56 (in part) are directed to the elected invention.

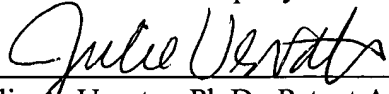
As noted above, Applicants hereby traverse the restriction requirement and respectfully request that the Examiner consider examining claims directed to non-specific immune response enhancers that preferentially enhance a CD8⁺ T cell response as well as non-specific immune response enhancers in a single application. Applicants submit that the skilled artisan would immediately recognize, particularly in view of the teachings of the specification, for example at page 39, line 12-page 40, line 8, that the generic term "non-specific immune response enhancer" includes immune response enhancers that preferentially enhance CD8⁺ T cell responses. Thus, a search directed to non-specific immune response enhancers will necessarily identify art related to the non-specific immune response enhancers that preferentially stimulate CD8⁺ T cells. Accordingly, Applicants submit that it would not be an undue burden on the Examiner to simultaneously search the art related to non-specific immune response enhancers and non-specific immune response enhancers that preferentially stimulate CD8⁺ T cells, and therefore, respectfully request that claims 16, 18, 24, 50, and 56 be combined in a single application in accordance with the requirements of 35 U.S.C. 121 and 37 C.F.R. section 1.141.

Applicants submit that claims 16, 18, 24, 50, and 56 are currently pending and read on the elected invention. Applicants further submit that they will consider amending claims 50 and 56 to remove recitation of the non-elected subject matter following the Examiner's consideration of the present election with traverse.

Consideration of the elected claims on the merits is now requested.

Application No. 09/685,830
Reply to Restriction Requirement dated July 28, 2004

Respectfully submitted,
Seed Intellectual Property Law Group PLLC



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